

AMENDED IN SENATE JUNE 14, 2005

AMENDED IN ASSEMBLY APRIL 14, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1113

Introduced by Assembly Member Yee
(Coauthors: Assembly Members Chu and Koretz)
(Coauthor: Senator Figueroa)

February 22, 2005

An act to amend Sections 4927 and 4937 of the Business and Professions Code, relating to acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

AB 1113, as amended, Yee. Acupuncturists: diagnosis.

The Acupuncture Licensure Act provides for the licensure and regulation of acupuncturists by the Acupuncture Board. The act authorizes a licensee to practice acupuncture, as defined, and to perform or prescribe the use of oriental massage, acupressure, breathing techniques, exercise, heat, cold, magnets, nutrition, diet, herbs, plant, animal, and mineral products, and dietary supplements to provide, maintain, and restore health.

This bill would authorize a licensee to diagnose within his or her scope of practice.

This bill would incorporate additional changes to Section 4937 of the Business and Professions Code, to become operative only if AB 1117 and this bill are both chaptered and become effective on or before January 1, 2006, and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 4927 of the Business and Professions Code is amended to read:

4927. As used in this chapter, unless the context otherwise requires:

(a) “Board” means the Acupuncture Board.

(b) “Person” means any individual, organization, or corporate body, except that only individuals may be licensed under this chapter.

(c) “Acupuncturist” means an individual to whom a license has been issued to practice acupuncture pursuant to this chapter, which is in effect and is not suspended or revoked.

(d) “Acupuncture” means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electroacupuncture, cupping, and moxibustion.

SEC. 2. Section 4937 of the Business and Professions Code is amended to read:

4937. An acupuncturist’s license authorizes the holder thereof:

(a) To diagnose within his or her scope of practice.

(b) To engage in the practice of acupuncture.

(c) To perform or prescribe the use of, oriental massage, acupressure, breathing techniques, exercise, heat, cold, magnets, nutrition, diet, herbs, plant, animal, and mineral products, and dietary supplements to promote, maintain, and restore health. Nothing in this section prohibits any person who does not possess an acupuncturist’s license or another license as a healing arts practitioner from performing, or prescribing the use of any modality listed in this subdivision.

(d) For purposes of this section, a “magnet” means a mineral or metal that produces a magnetic field without the application of an electric current.

(e) For purposes of this section, “plant, animal, and mineral products” means naturally occurring substances of plant, animal, or mineral origin, except that it does not include synthetic

compounds, controlled substances or dangerous drugs as defined in Sections 4021 and 4022, or a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(f) For purposes of this section, “dietary supplement” has the same meaning as defined in subsection (ff) of Section 321 of Title 21 of the United States Code, except that dietary supplement does not include controlled substances or dangerous drugs as defined in Section 4021 or 4022, or a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

SEC. 2.5. Section 4937 of the Business and Professions Code is amended to read:

4937. An acupuncturist’s license authorizes the holder thereof:

(a) *To diagnose within his or her scope of practice.*

(b) *To engage in the practice of acupuncture.*

~~(b)~~

(c) To perform or prescribe the use of ~~oriental~~ Asian massage, acupressure, breathing techniques, exercise, heat, cold, magnets, nutrition, diet, herbs, plant, animal, and mineral products, and dietary supplements to promote, maintain, and restore health. Nothing in this section prohibits any person who does not possess an acupuncturist’s license or another license as a healing arts practitioner from performing, or prescribing the use of any modality listed in this subdivision.

~~(e)~~

(d) For purposes of this section, a “magnet” means a mineral or metal that produces a magnetic field without the application of an electric current.

~~(d)~~

(e) For purposes of this section, “plant, animal, and mineral products” means naturally occurring substances of plant, animal, or mineral origin, except that it does not include synthetic compounds, controlled substances or dangerous drugs as defined in Sections 4021 and 4022, or a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

~~(e)~~

(f) For purposes of this section, “dietary supplement” has the same meaning as defined in subsection (ff) of Section 321 of Title 21 of the United States Code, except that dietary supplement does not include controlled substances or dangerous drugs as defined in Section 4021 or 4022, or a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

SEC. 3. Section 2.5 of this bill incorporates amendments to Section 4937 of the Business and Professions Code proposed by this bill and AB 1117. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2006, (2) each bill amends Section 4937 of the Business and Professions Code, and (3) this bill is enacted after AB 1117, in which case Section 2 of this bill shall not become operative.